

In United States District Court  
For the District of Delaware

UNITED STATES OF AMERICA

v.

Criminal Complaint

CASE NUMBER: 08-104M

BRANDON WIGGINS,

Defendant

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about June 13, 2008, in the District of Delaware, Defendant did: knowingly possess in and affecting interstate commerce, a firearm, after having been convicted of a felony crime punishable by imprisonment for a term exceeding one year, in violation of Title 18 United States Code, Section(s) 922(g)(1) and 924(a)(2).

I further state that I am sworn as a Special Deputy U.S. Marshal and am assigned to the ATF and that this complaint is based on the following facts:

See attached Affidavit

Continued on the attached sheet and made a part hereof: Yes



David C. Rosenblum  
Special Deputy U.S. Marshal assigned to the ATF

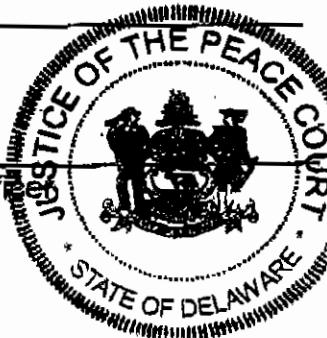
Sworn to before me and subscribed in my presence,

June 13, 2008

Date

at Wilmington, DE  
City and State

The Honorable Robert Lopez  
Justice of the Peace Magistrate Judge  
Name & Title of Judicial Officer

  
Signature of Judicial Officer

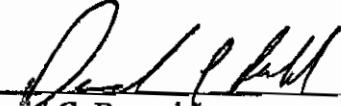
**AFFIDAVIT OF PROBABLE CAUSE: ATF Task Force Officer and Special Deputy U.S Marshal David C. Rosenblum**

Your Affiant Detective David C. Rosenblum has been a Wilmington Police Officer for approximately 10 years and is currently assigned as a Task Force Officer (TFO) with the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), whose duties include the investigation into firearms offenses committed in Wilmington, Delaware. Your Affiant has been authorized to seek and execute arrest and search warrants supporting a federal task force through Deputization by the United States Marshal's Service. During this Officer's employment as a Law Enforcement Officer, Your Affiant has authored in excess of 400 felony arrests warrants for crimes, some of which involved illegal narcotics and firearms. Prior to Your Affiant's current assignment, this Officer was assigned to the Wilmington Police Drug, Organized Crime, and Vice Division, Operation Safe Streets Task Force where Your Affiant has conducted over an estimated 1000 investigations into illegal narcotics and/or firearms offenses whereby, this Officer seized numerous weapons along with large amounts of narcotics and suspected drug proceeds. During Your Affiant's tenure as a Law Enforcement Officer, Your Affiant has received over 275 days of training from the DOJ, FBI, ATF, DEA, DSP, WPD, DOC, Royal Canadian Mounted Police, North East Counter Drug Training, Homeland Security, California Highway Patrol and other law enforcement agencies. Your Affiant has been qualified in Delaware Superior Court and Federal Court, District of Delaware to provide expert testimony on the intent to distribute controlled substances and has testified as an expert in approximately 15 felony drug trials. During the course of previous investigations, Your Affiant has had conversations with federal agents and law enforcement officers with knowledge and/or expertise in firearms offenses dealing with interstate nexus of firearms crossing state lines thereby affecting interstate commerce.

1. Unless otherwise stated, the information in this affidavit is based upon Your Affiant's personal knowledge and conversations with other Wilmington Police Officers. Because this affidavit is solely for establishing probable cause, not all facts related to this investigation are included herein.
2. The events stated below occurred on or about 13 June 2008, in the City of Wilmington, State and District of Delaware, as stated to me by at least two Wilmington Police Officers.
3. On 13 June 2008, WPD Patrol Officers were on routine patrol and observed the defendant BRANDON WIGGINS in the 200 block of Connell Street. The officers reported they were familiar with WIGGINS and knew him on sight. The officers further reported that they confirmed WIGGINS' status as having active capias.
4. The Officers reported that upon observing WIGGINS walking in the block they stopped their vehicle next to him and attempted to initiate contact. WIGGINS immediately fled on foot and the officers gave chase.

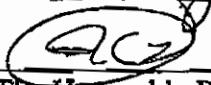
5. The officer in pursuit reported to Your Affiant that he observed WIGGINS remove a firearm from his waistband, run with the gun in his hand and discard the weapon while continuing to flee. The officer reported taking mental note of where the firearm landed and also that there were no other individuals in the vicinity. The suspect was subsequently taken into custody and the firearm recovered.
6. Your Affiant reviewed the Delaware Justice Information System Database (DELJIS) and verified that WIGGINS has a previous felony conviction in the New Castle County Superior Court for Carrying a Concealed Deadly Weapon on or about 14 January 2008.
7. After physically inspecting the weapon and from my training and experience, and after discussion with an ATF Agent who is expertly trained and experienced in determining the interstate nexus of firearms, Your Affiant believes that the above described weapon is a firearm as defined in 18 U.S.C., Chapter 44, Section 921(a)(3) and was manufactured in a state other than Delaware such that its possession in Delaware would have necessarily required that the firearm had crossed state lines prior to its possession in Delaware and such that the possession of that firearm in Delaware affected interstate or foreign commerce.

Wherefore, based upon Your Affiant's training and experience, Your Affiant believes that there is probable cause to believe that the defendant violated 18 U.S.C. §§ 922(g)(1) and 924(a)(2), by knowingly possessing in and affecting interstate commerce a firearm, after having previously been convicted of a felony crime punishable by imprisonment for a term exceeding one year and respectfully requests that the Court issue a Criminal Complaint charging this offense.



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David C. Rosenblum  
Task Force Officer, ATF  
Special Deputy U.S. Marshal

Sworn to and subscribed in my presence  
this 16 day of June 2008

  
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The Honorable Robert Lopez  
Justice of the Peace Magistrate Judge  
Justice of the Peace Court 20

